IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition Nos.8610 to 8620 of 1999 and
Writ Petition Nos. 8445 to 8453 of 1999

Raju	.. Petitioner in W.P.No.8610 of 1999
Abdul Khader	.. Petitioner in W.P.No.8611 of 1999
Sathya Seelan	.. Petitioner in W.P.No.8612 of 1999
Subramanian	.. Petitioner in W.P.No.8613 of 1999
Sundaram. D	.. Petitioner in W.P.No.8614 of 1999
Manoharan	.. Petitioner in W.P.No.8615 of 1999
S.A.P.Amalraj	.. Petitioner in W.P.No.8616 of 1999
P.V.Ibrahim	.. Petitioner in W.P.No.8617 of 1999
M.Mohideen	.. Petitioner in W.P.No.8618 of 1999
Krishnan	.. Petitioner in W.P.No.8619 of 1999
K.A.S.Ramadoss	.. Petitioner in W.P.No.8620 of 1999
Seethaiammal	.. Petitioner in W.P.No.8445 of 1999
K.K.Balasubramanian	.. Petitioner in W.P.No.8446 of 1999
Rajamanikantan	.. Petitioner in W.P.No.8447 of 1999
Veniammal	.. Petitioner in W.P.No.8448 of 1999
Ganesan	.. Petitioner in W.P.No.8449 of 1999
Zakirhussain	.. Petitioner in W.P.No.8450 of 1999
S.Rajendran	.. Petitioner in W.P.No.8451 of 1999
P.Rajalingam	.. Petitioner in W.P.No.8452 of 1999
Jayesh Kumar	.. Petitioner in W.P.No.8453 of 1999

Versus

1.The State of Tamil Nadu
rep. by its Secretary to Govt. Rural Development,
Local Administration Department,
Fort St.George, Chennai-9.

2.The Municipal Corporation Council
The Corporation of Trichirappalli.
Rep. by its Commissioner, Trichy. .. Respondents.

Prayer in W.P.Nos.8610 to 8620 and W.P.Nos.8445 to 8453 of 1999:
These writ petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that G.O.Ms.No.67 Municipal Administration and Water Supply Department, dated 2.3.99 issued by Govt. of Tamil

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Nadu Rural Development and Local Administration Department is without authority of law, illegal and violating of Articles 14 and 19(i)(g) of the Constitution of India in so far as the petitioners are concerned.

For petitioners : Mr.S.Prabakaran

For Respondents : Mr.V.Manoharan
Government Advocate (R1)

Mr.P.Srinivas (R2)

C O M M O N O R D E R

The writ petitions have been filed by the petitioners challenging G.O.Ms.No.67 issued by the Municipal Administration and Water Supply Department, dated 2.3.1999, and the consequential proceedings issued by the respondents based on the said Government order as being illegal and ultravires the constitution of India.

2. It is submitted by the learned counsels appearing for the respondents that the impugned G.O.Ms.No.67 of the Municipal Administration and Water Supply Department, dated 2.3.99, issued by Govt. of Tamil Nadu Rural Development and Local Administration Department had been subsequently, superceded by the issuance of G.O.Ms.No.165 of the Municipal Administration and Water Supply Department, dated 29.6.2004. It has also been submitted by the learned counsels appearing for the respondents that G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007 has also been issued subsequently.

3. It has also been pointed out that in similar circumstances, this Court had passed an order, dated 9.3.2007, in W.P.No.9158 of 1999, which reads as follows:

> "The prayer made in the writ petition is to declare G.O.Ms.No.67, Municipal Administration and Water Supply Department dated 02.3.1999 issued by the Government of Tamil Nadu Rural Development and Local Administration Department is without authority, of law illegal and violative of Article 14 and 19 (i) (g) of the Constitution of India in so far as the petitioner is concerned.
>
> 2. Learned counsel appearing for the respondents submits that during the pendency of the writ petition, the Government issued G.O.Ms.No.165, Municipal Administration and Water Supply Department, dated 29.6.2004 granting permission to transfer the lease in favour of the legal representatives and also

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transfer made prior to the date of G.O.Ms.No.67, Municipal Administration and Water Supply Department dated 2.3.1999. Hence, the prayer made in the writ petition has become infructuous. The same view has been taken in batch of writ petitions in W.P.No.6359 to 6368 of 1999 etc., batch, dated 29.7.1999.

3. Hence, the writ petition has become infructuous. No costs"

4. Learned counsel appearing for the petitioners has not controverted the submissions made by the learned counsel appearing for the respondents.

5. In view of the above, these writ petitions have become infructuous. Hence, the writ petitions are dismissed as infructuous. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Govt. Rural Development,
The State of Tamil Nadu
Local Administration Department,
Fort St.George, Chennai-9.

2.The Commissioner
Municipal Corporation Council
The Corporation of Trichirappalli.
Trichy.

1 cc to Mr.P. Srinivas, Advocate, Sr,. 68285
1 cc to Mr.M.S. Palaniswamy, Advocate, Sr. 68109
1 cc to Government Pleader, SR. 68432

Writ Petition Nos.8610
to 8620 of 1999 and
Writ Petition Nos. 8445
to 8453 of 1999

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